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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,867	04/12/2001	Shunpei Yamazaki	740756-2294	1394
31780	7590	08/25/2005	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			LEWIS, MONICA	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,867

Applicant(s)

YAMAZAKI ET AL.

Examiner

Monica Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 25-38 and 51-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-38 and 51-64 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 9, 10, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7, 8, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed May 27, 2005.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 6, 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki (U.S. Patent No. 6,501,098).

In regards to claim 1, Yamazaki discloses the following:

- a) a pixel portion having a n-channel TFT and a light emitting element over a substrate (101) (For Example: See Figure 1);
- b) a channel forming region (104) (For Example: See Figure 1);
- c) an n-type impurity region (106a) adjacent to the channel forming region (For Example: See Figure 1);
- d) an n-type impurity region (106b) adjacent to the n-type impurity region (For Example: See Figure 1);
- e) an n-type impurity region (108) adjacent to the n-type impurity region (For Example: See Figure 1);

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f) a gate insulating layer (103) provided over the active layer (For Example: See Figure 1);

g) a gate electrode provided over the gate insulating layer (For Example: See Figure 1);

h) a first conductive film (113) provided over the gate insulating layer (For Example: See Figure 1);

i) a second conductive film (114) provided over the first conductive film, wherein the first conductive film overlaps the channel forming region and the n type impurity region with the gate insulating layer interposed therebetween, and wherein the second conductive film overlaps the channel forming region with the gate insulating layer and the first conductive film interposed between (For Example: See Figure 1); and

j) a protection film (115) in contact with the second conductive film (For Example: See Figure 1).

In regards to claim 2, Yamazaki discloses the following:

a) a driver circuit having a n-channel TFT over a substrate (For Example: See Column 27 Lines 23-57);

b) pixel portion having a n-channel TFT and a light emitting element over a substrate (For Example: See Figure 1 and Figure 29);

c) a channel forming region (For Example: See Figure 1);

d) an n-type impurity region adjacent to the channel forming region (For Example: See Figure 1);

e) an n-type impurity region adjacent to the n-type impurity region (For Example: See Figure 1);

f) an n-type impurity region adjacent to the n-type impurity region (For Example: See Figure 1);

g) a gate insulating layer provided over the active layer (For Example: See Figure 1);

h) a gate electrode provided over the gate insulating layer (For Example: See Figure 1);

i) a first conductive film provided over the gate insulating layer (For Example: See Figure 1);

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j) a second conductive film provided over the first conductive film, wherein the first conductive film overlaps the channel forming region and the n type impurity region with the gate insulating layer interposed therebetween, and wherein the second conductive film overlaps the channel forming region with the gate insulating layer and the first conductive film interposed between (For Example: See Figure 1); and

k) a protection film (115) in contact with the second conductive film (For Example: See Figure 1).

In regards to claims 5 and 6, Yamazaki discloses the following:

a) the first conductive film comprises tungsten, and the second gate electrode comprises aluminum (For Example: Column 7 Lines 44-58).

In regards to claims 9 and 10, Yamazaki disclose the following:

a) the gate electrode is covered by an insulating film (123) comprising a resin film and one of a silicon nitride film and a silicon oxynitride films (For Example: See Figure 1).

In regards to claims 13 and 14, Yamazaki discloses the following:

a) the light emitting device is one selected from the group consisting of an EL display, a video camera, a digital camera, a portable computer, a personal computer, a portable telephone, and a car audio stereo (For Example: See Column 30 Lines 46-58).

Allowable Subject Matter

5. Claims 3, 4 and 7, 8, 11, 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 25-38 and 51-64 are allowed.

Response to Arguments

7. Applicant's arguments filed 5/27/05 have been fully considered but they are not persuasive. First, Applicant argued that Yamazaki does not teach a protection film in contact with a second conductive film. However, Yamazaki does disclose a protection film (115) in contact with the second conductive film (114) (For Example: See Figure 1).

Second, Applicant argued that "since EP '094 has a publication date of May 31, 2000, which is later than the filing date of JP '699, the Applicant's respectfully submit that any potential rejection under 102 should be overcome." However, a rejection under 102 can still be made under Yamazaki (U.S. Patent No. 6,501,098). Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP 2146. Effective November 29, 1999, 35 U.S.C. 103(c) provides that subject matter developed by another which qualifies as "prior art" only under one or more of subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. 35 U.S.C. 103(c) applies only to subject matter which qualifies as prior art under 35 U.S.C. 103; it does not affect subject matter which qualifies as prior art under 35 U.S.C. 102, i.e., anticipatory prior art. See

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MPEP § 706.02(1) - § 706.02(1)(3). Therefore, a rejection under 102 can be made under Yamazaki (U.S. Patent No. 6,501,098) since it anticipates the claimed invention.

Finally, Applicant argued that the IDS of 12/08/03 was partially considered. The Examiner did not consider the references that were crossed out on that IDS because they were not provided in the application.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular and after final communications. Any inquiry of a general nature or relating to the

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status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

August 22, 2005

A handwritten signature in black ink, appearing to read 'Mary Wilczewski', with a stylized, flowing script.

Mary Wilczewski
Primary Examiner